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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16th DAY OF APRIL 1988

BEFORE

THE HON'BLE MR.JUSTICE S.R.VENKATESHA MURTHY

L.R.R.P. No.541/1989

BETWEEN:

Laxmangowda, 65 yrs,
s/o Rangappagowda Patil,
occ:agriculture, r/o Thirumala
Devarakoppa, Ranebennur Tq.,
Dharwar dist.,
rep. by his P.A.Holder
Sri.Nagangowda, 32 yrs,
s/o Laxmangowda Patil,
occ:agriculture, r/o Thirumala
Devarakoppa, Ranebennur Tq.,
Dharwar Dist.

.. Petitioner

(By Sri.S.M.Byadegi, Adv.)

AND:

1. Mallappa, 22 yrs,
s/o Virupaxappa Kuntimenti.
2. Nagappa, 20 yrs,
s/o Virupaxappa Kuntimenti.
- both are r/o Yerakuppi,
Ranebennur Tq., Dharwar Dist.
3. State of Karnataka,
rep. by the Dy.Commissioner,
Dharwar.

.. Respondents

(By Sri.K.S.Savanur, Adv. for R-1 & 2.
Smt.M.R.Shantha Kumari, HCGP for R-3.)

This petition is filed u/s 121-A of KLR Act
r/w S.151 of CPC against the order dt. 26-11-1988
passed in LRA No.13 of 1988 on the file of Addl.Land
Reforms Appellate Authority, Haveri allowing I.A.IV
filed u/o 39 Rule-1 & 2 CPC.

This petition being reserved for orders, this
day, the Court made the following:

..ORDER..

O R D E R

In this revision, order of the Land Reforms Appellate Authority in L.R.A.No.13/88 granting ad-interim injunction restraining the petitioner herein from interfering with the possession of the land to an extent of 8 acres is challenged.

2. The case before the land Tribunal for occupancy rights by respondents-1 & 2 was that they were in occupation of the land to an extent of 8 acres and that the land Tribunal was not right in rejecting the application on the basis of an alleged surrender in the year 1968. Respondents-1 and 2 claim that they were in occupation of the land as tenants and therefore they were entitled to the injunction prayed for.

3. The Land Reforms Appellate Authority prima facie found that the respondents-1 & 2 could have continued to be in possession of the property on the basis of the material produced by them i.e., joint statement made by the first respondent

namely, petitioner herein and the first respondent herein who was the appellant before the land Tribunal. The Land Reforms Appellate Authority found that prima facie, possession of the respondents-1 and 2 herein was established and therefore their claim was to be protected.

4. The order of the Land Reforms Appellate Authority granting ad-interim injunction against the petitioners herein, being a discretionary order, cannot be interfered with in revision solely on the basis of the contention that the claim made by respondents-1 & 2 herein was not legally tenable. Indeed, in the year 1968 when the Land Reforms Act was in force, surrender of land could have been only in the manner recognised by the Land Reforms Act and not otherwise. The revision petitioners have not placed any prima facie material before the Land Reforms Appellate Authority that the land had been validly surrendered and thereby relationship of landlord and tenant had ceased. In the

circumstances, discretion ~~xx~~ exercised by the
Land Reforms Appellate Authority in granting
injunction is not open to challenge in revision
and the revision has to fail. Revision is
accordingly dismissed.

Sd/-
JUDGE

sp/